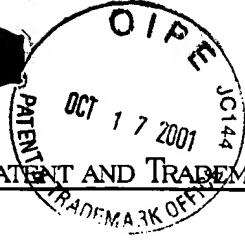




UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/824,787	04/04/2001	Maurice Zauderer	1821.0040001/EKS/TJS

26111
STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W., SUITE 600
WASHINGTON, DC 20005-3934

CONFIRMATION NO. 2970

FORMALITIES LETTER



OC000000006839213

Date Mailed: 10/03/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 07/17/2001 to the Notice to File Missing Parts (Notice) mailed 05/17/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

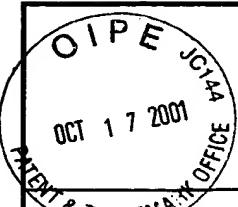
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 920.00)

Complete if Known

Application Number	09/824,787
Filing Date	April 4, 2001
First Named Inventor	Maurice Zauderer
Examiner Name	To be Assigned
Group Art Unit	1645
Attorney Docket No.	1821.0040001/EKS/TJS

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)				
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:		3. ADDITIONAL FEES				

Deposit Account Number
19-0036Deposit Account Name
Sterne, Kessler, Goldstein & Fox P.L.L.C.
 Charge Any Additional Fee Required
Under 37 CFR §§ 1.16 and 1.17

 Applicant claims small entity status
See 37 CFR 1.27
2. Payment Enclosed:
 Check Credit card Money Order Other*
*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	740	201	370 Utility filing fee
106	330	206	165 Design filing fee
107	510	207	255 Plant filing fee
108	740	208	370 Reissue filing fee
114	160	214	80 Provisional filing fee

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES

Extra	Fee from below	Fee Paid
Total Claims 40	- 40** = 0	X 18.00 = 0
Indep. Claims 8	- 8** = 0	X 84.00 = 0
Multiple Dependent	280.00	= 0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103	18	203 9 Claims in excess of 20
102	84	202 42 Independent claims in excess of 3
104	280	204 140 Multiple dependent claim
108	84	209 42 **Reissue independent claims over original patent
110	18	210 9 **Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

** or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	920.00
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	481	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify):

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 920.00)

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Timothy J. Shea, Jr.	Registration No.	41,306	Telephone
Signature		Date		10/17/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

ATTORNEYS AT LAW

1100 NEW YORK AVENUE, N.W. • WASHINGTON, D.C. 20005-3934

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BRUCE E. CHALKER**
DUSTIN T. JOHNSON**
MATTHEW J. DOWD**

*LIMITED TO MATTERS
AND PROCEEDINGS BEFORE
FEDERAL COURTS & AGENCIES
**REGISTERED PATENT AGENT
***SENIOR COUNSEL

October 17, 2001

WRITER'S DIRECT NUMBER:
(202) 371-2679

INTERNET ADDRESS:
TSHEA@SKGF.COM

Commissioner for Patents
Washington, D.C. 20231

Art Unit: 1645

Re: U.S. Utility Patent Application
Appl. No. 09/824,787; Filed: April 4, 2001
For: **Gene Differentially Expressed in Breast and Bladder
Cancer, and Encoded Polypeptides**
Inventors: ZAUDERER *et al.*
Our Ref: 1821.0040001/EKS/TJS

Sir:

In reply to the Notice of Incomplete Reply (Nonprovisional) dated October 3, 2001, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Petition for Extension of Time under 37 C.F.R. § 1.136 (*in duplicate*);
2. PTO Fee Transmittal Form (PTO/SB/17) (*in duplicate*);
3. Copy of Notice of Incomplete Reply (Nonprovisional);
4. Amendment and Submission of Substitute Sequence Listing Under 37 C.F.R. § 1.825(a);
5. Substitute paper copy and computer readable copy of the Sequence Listing; and

Commissioner for Patents
October 17, 2001
Page 2

6. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In accordance with 37 C.F.R. § 1.821(f), the paper copy and the computer readable copy of the Sequence Listing submitted herewith are the same. In accordance with 37 C.F.R. § 1.821(g), the submission of this sequence listing includes no new matter.

The U.S. Patent and Trademark Office is hereby authorized to charge our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

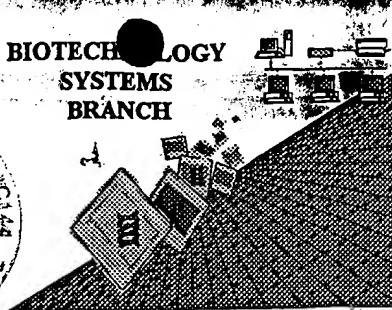
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Timothy J. Shea, Jr.
Attorney for Applicants
Registration No. 41,306

TJS/slw
Enclosures

**RAW SEQUENCE LISTING
ERROR REPORT**



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/824,787A

Source: O/P/E

Date Processed by STIC: 7/26/2001

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

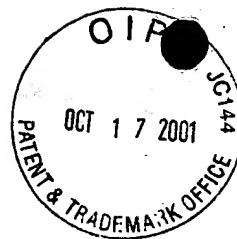
The Checker Version 3.0 application is a state-of the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO).

Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>



OIPE

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/824,787A

DATE: 07/26/2001
TIME: 10:25:21

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PP.51

Does Not Comply
Corrected Diskette Needed

4 <110> APPLICANT: Zauderer, Maurice
5 Evans, Elizabeth E.
6 Borrello, Melinda A.
8 <120> TITLE OF INVENTION: Gene Differentially Expressed in Breast and
9 Bladder Cancer, and Encoded Polypeptides
11 <130> FILE REFERENCE: 1821.0040001
13 <140> CURRENT APPLICATION NUMBER: 09/824,787A
14 <141> CURRENT FILING DATE: 2001-04-04
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46	Lys Glu Gln Tyr Pro Gly Ile Glu Ile Glu Ser Arg Leu Gly Gly Thr	
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53	gag aat ggg ggc ttt ccc tat gag aaa gat ctc att gag gcc atc cga	288
54	Glu Asn Gly Gly Phe Pro Tyr Glu Lys Asp Leu Ile Glu Ala Ile Arg	
55	80 85 90	
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PATENT APPLICATION: US/09/824,787A

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 78 Gln Tyr Pro Gly Ile Glu Ile Glu Ser Arg Leu Gly Gly Thr Gly Ala
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DATE: 07/26/2001

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 218 <212> TYPE: DNA
 219 <213> ORGANISM: Homo sapiens
 221 <220> FEATURE: —————> what about "n" at location 12?
 222 <221> NAME/KEY: misc_feature
 223 <222> LOCATION: (17)..(17)
 224 <223> OTHER INFORMATION: n is any nucleotide of a, t, g or c
 226 <220> FEATURE:
 227 <221> NAME/KEY: misc_feature
 228 <222> LOCATION: (23)..(24)
 229 <223> OTHER INFORMATION: n is any nucleotide of a, t, g or c
 231 <220> FEATURE:
 232 <221> NAME/KEY: misc_feature
 233 <222> LOCATION: (65)..(67)
 234 <223> OTHER INFORMATION: n is any nucleotide of a, t, g or c
 236 <220> FEATURE:
 237 <221> NAME/KEY: misc_feature
 238 <222> LOCATION: (442)..(442) (432)..(432) ← p.5
 239 <223> OTHER INFORMATION: n is any nucleotide of a, t, g or c
 241 <220> FEATURE:
 242 <221> NAME/KEY: misc_feature
 243 <222> LOCATION: (454)..(454)
 244 <223> OTHER INFORMATION: n is any nucleotide of a, t, g or c
 246 <220> FEATURE:
 247 <221> NAME/KEY: misc_feature

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/824,787A

DATE: 07/26/2001
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Input Set : A:\seqlist_1821 0040001.txt
Output Set: N:\CRF3\07262001\I824787A.raw

248 <222> LOCATION: (461)..(461)
249 <223> OTHER INFORMATION: n is any nucleotide of a, t, g or c
251 <220> FEATURE:
252 <221> NAME/KEY: misc_feature
253 <222> LOCATION: (490)..(490)
254 <223> OTHER INFORMATION: n is any nucleotide of a, t, g or c
256 <400> SEQUENCE: 6
W--> 257 gattcggcac gnnggcnagg gannnnnnca gacgtccgt gcgcccccctc ccgaggaggt 60
W--> 258 cgagnnnggc agtggggtcc gcatcgtggt ggagtatctgt gaaccctgcg gcttcgagg 120
259 gacctacctg gagctggcca gtgctgtgaa ggagcagttat cccggcatcg agatcgagtc 180
260 gcccctcggt ggcacagggtg ctttgagata gagataaaatg gacagctggt gtttccaag 240
261 ctggagaatg ggggtttcc ctatgagaaa gatctcattg aggcacatcg aagaagccag 300
262 taatggagaa accctagaaa agatcaccaa caagccgtc ctccctggtt catcctgtga 360
263 ctgcacagga ctctgggttc ctgctctgtt ctggggtcca aaccttggtc tccctttgtt 420
W--> 264 cctgctggga gttccccctg cctttccc ctanttagct ncttagcaaa gagaccctgg 480
W--> 265 cctccacttn 490
268 <210> SEQ ID NO: 7
269 <211> LENGTH: 557
270 <212> TYPE: DNA
271 <213> ORGANISM: Homo sapiens
273 <220> FEATURE:
274 <221> NAME/KEY: misc_feature
275 <222> LOCATION: (28)..(28)
276 <223> OTHER INFORMATION: n is any nucleotide of a, t, g or c
278 <220> FEATURE:
279 <221> NAME/KEY: misc_feature
280 <222> LOCATION: (504)..(504)
281 <223> OTHER INFORMATION: n is any nucleotide of a, t, g or c
283 <220> FEATURE:
284 <221> NAME/KEY: misc_feature
285 <222> LOCATION: (527)..(527)
286 <223> OTHER INFORMATION: n is any nucleotide of a, t, g or c
288 <220> FEATURE:
289 <221> NAME/KEY: misc_feature
290 <222> LOCATION: (545)..(545)
291 <223> OTHER INFORMATION: n is any nucleotide of a, t, g or c
293 <400> SEQUENCE: 7
W--> 294 cgtccgtagcccccctcc gaggaggnt gagccggca gtggggtccg catcgtggt 60
295 gaga~~t~~actgtg aaccctgcgg ct~~t~~cgaggcg ac~~t~~ac~~t~~ctgg agctggccag tgctgtgaag 120
296 gaggc~~t~~gtatc cgggc~~t~~atcg~~a~~ gatcg~~a~~gtcg cgc~~t~~ctgggg g~~a~~c~~a~~gggtgc tttgagat~~a~~g 180
297 agataaaatgg ac~~a~~g~~t~~ctgg~~t~~g ttctcca~~a~~gc tggagaatgg gggcttccc tatgagaaag 240
298 at~~t~~ctcattga ggccatccga agagcc~~a~~gt~~a~~ at~~g~~gaagaaa ccctagaaa gatcaccaac 300
299 agccgtcc~~t~~c ccttgc~~g~~tc~~a~~ t~~c~~t~~g~~tgact tgcacaggac tctgggttcc tgctctgttc 360
300 ttggggtcca aac~~t~~tt~~g~~gt ctccctt~~g~~g t~~c~~t~~g~~ct~~g~~gg aagctcccccc tgcctctttt 420
301 cccctactta ag~~c~~t~~c~~ttta g~~c~~aaagaaga ac~~t~~gggc~~c~~t tccacttt~~g~~ cccttt~~g~~gg 480
W--> 302 gtacaaaaga aggaattaga agantccgt gggc~~t~~tt~~g~~g gggcaangaa gaagagaaac 540
W--> 303 tctt~~h~~ccatt gaacaat 557
306 <210> SEQ ID NO: 8
307 <211> LENGTH: 508

Use of n and/or Xaa has been detected in the Sequence Listing.
Review the Sequence Listing to insure a corresponding
explanation is presented in the <220> to <223> fields of
each sequence using n or Xaa.

VERIFICATION SUMMARY
PATENT APPLICATION: US/09/824,787A

DATE: 07/26/2001
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Input Set : A:\seqlist_1821 0040001.txt
Output Set: N:\CRF3\07262001\I824787A.raw

L:178 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:4
L:186 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:4
L:187 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:4
L:188 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:4
L:212 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:5
L:257 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:6
L:258 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:6
L:264 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:6
L:265 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:6
L:294 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:7
L:302 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:7
L:303 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:7
L:352 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:8
L:359 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:8
L:460 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:13
L:461 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:13
L:515 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:14
L:523 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:14
L:524 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:14
L:525 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:14
L:579 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:15
L:580 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:15
L:585 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:15
L:619 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:16
L:625 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:16
L:694 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:17
L:698 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:17
L:699 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:17
L:700 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:17
L:701 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:17
L:715 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:18
L:734 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:19
L:789 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:22
L:840 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:23
L:845 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:23
L:899 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:24
L:900 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:24
L:905 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:24
L:906 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:24
L:932 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:25
L:933 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:25
L:935 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:25
L:959 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:26
L:965 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:26
L:1009 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:27
L:1014 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:27
L:1015 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:27
L:1016 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:27

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/824,787A

DATE: 07/26/2001

TIME: 10:25:22

Input Set : A:\seqlist_1821 0040001.txt

Output Set: N:\CRF3\07262001\I824787A.raw

L:1054 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:28

L:1056 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:28